

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: HB 377 HLS 10RS 541

Bill Text Version: ENGROSSED

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 9, 2010	8:34 AM	Author: WOOTON
Dept./Agy.: Corrections		
Subject: Malfeasance in Office		Analyst: Matthew LaBruyere

CORRECTIONS EG INCREASE GF EX See Note Page 1 of 1
Provides with respect to malfeasance in office committed by volunteers and contract workers of DPS&C

The present law provides that it is unlawful and constitutes malfeasance in office for any person who is a law enforcement officer, an employee of the Department of Public Safety & Corrections (DPS&C), an employee of any prison, jail, or correctional institution, or any person employed by entities operating work release facilities of DPS&C, to engage in sexual conduct with persons under their supervision. The proposed legislation adds that volunteers and contract workers of DPS&C are prohibited from engaging in sexual conduct with persons sentenced to their custody and provides that "law enforcement officer" shall include commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, state park wardens, and probation and parole officers.

EXPENDITURES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation may result in an increase in state general fund expenditures. The exact fiscal impact of the passage of this legislation is indeterminable since it adds volunteers and contract workers of the DPS&C to the current law and it is not known how many people will be convicted of this crime. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$24.39 per day per offender in local facilities. To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$54.49. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

It should be noted that there are no offenders incarcerated for malfeasance in office who were law enforcement officers, employees of the DPS&C, or employees of a prison, jail, correctional institution, or entities operating work release facilities. In 2009 there were no admissions or releases for this crime.

REVENUE EXPLANATION

There is no anticipated direct material effect on state revenues as a result of this measure. However, any revenue generated through the imposition of fines created by this legislation would accrue to local government entities. La. R.S. 14:134.1(B) provides for the violator of the provision to be fined not more than \$10,000.

Senate

Dual Referral Rules

☐ 13.5.1 >= \$500,000 Annual Fiscal Cost

☐ 13.5.2 >= \$500,000 Annual Tax or Fee Change

House

☐ 6.8(F) >= \$500,000 Annual Fiscal Cost

☐ 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease

Robert E. Hosse

LFO Staff Director